

Exhibit 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE: '318 PATENT
INFRINGEMENT LITIGATION

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) Civ. Action No. 05-356-KAJ (consolidated)
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SWORN AFFIDAVIT OF DR. ALLAN I. LEVEY

I, ALLAN I. LEVEY, being duly sworn and having knowledge of the facts set forth herein, deposes and says as follows:

1. My name is Dr. Allan I. Levey. I have been retained by Barr Laboratories to provide my views, based on my expertise and the materials I have reviewed in this case, related to U.S. Patent No. 4,663,318 ("the '318 patent") and the scientific knowledge regarding the same subject matter prior to when that patent application was filed.

2. I received my B.S. with honors from the University of Michigan in 1978. I received both my Ph.D. in Immunology in 1982 and my M.D. with honors in 1984 from the University of Chicago.

3. I completed my residency in Neurology at The Johns Hopkins Hospital in 1988, and then was the Chief Resident in Neurology in 1989. I also did clinical training in Cognitive Neurology from 1989-1991 at The Johns Hopkins Hospital. My *curriculum vitae* is attached to Declaration of Brian E. Farnan filed as Exhibit 2, filed contemporaneously with Defendants' Response in Opposition to Plaintiffs' Motion for Partial Summary Judgment Regarding Anticipation.

4. Currently, I am the Chairman and Professor of the Department of Neurology at Emory University School of Medicine. I hold joint secondary appointments as a Professor of

Psychiatry and Behavioral Sciences and a Professor Pharmacology at Emory University. I am also a faculty member of the Neuroscience Graduate Program at Emory University Graduate School of Arts and Sciences. I am also the Director of the Emory Alzheimer's Disease Research Center, the Emory Center for Neurodegenerative Disease, and the Emory MD/PhD Training Program.

5. My educational background, and extensive research and clinical experience provide me with a broad perspective and expertise on Alzheimer's disease. Moreover, I am one of few people in the world whose entire career has focused on the role of acetylcholine in higher brain functions, Alzheimer' disease, and new treatment strategies for this disorder.

6. It is my opinion that a person of ordinary skill in the art with respect to the '318 Patent as of January 15, 1986 would have been a M.D. or Ph.D. interested in the field of Alzheimer's disease research (which would include M.D. and Ph.D. students as well as doctors and researchers in the fields of pharmacology, geriatrics, psychiatry, neurology, neuroscience or pharmacy), who, as a result of such training and/or interest, would have knowledge of the cholinergic deficiency hypothesis of Alzheimer's disease, the role of acetylcholine in memory, and pharmacological strategies and approaches for treating Alzheimer's disease and related dementias. In forming my opinion as to who is a person of ordinary skill in the art, among other things, I considered the educational level of Dr. Davis, the types of problems encountered in the art, the prior art solutions to those problems, the educational level of the active workers in the field, and my own knowledge and experience in the art relevant to the '318 patent.

7. The facts and opinions provided in my Opening Expert Report and Rebuttal Expert Report, both of which were submitted in this litigation, are true and correct to the best of

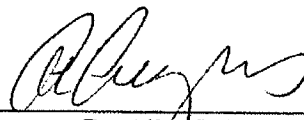
my knowledge and belief.¹ These two reports are attached to the Declaration of Brian E. Farnan as Exhibits 3 and 4, filed contemporaneously with Defendants' Response in Opposition to Plaintiffs' Motion for Partial Summary Judgment Regarding Anticipation, and are incorporated herein by reference.

¹ To the best of my knowledge, the only exception to this statement is that in paragraph 99 of my Opening Expert Report, when I quoted Bhasker's discussion of "restoration of higher cortical functions," I incorrectly cited to page 45 of Bhasker. This quotation of the "restoration of higher cortical functions," in fact, occurs on page 46.

I declare, under the penalty of perjury, that the foregoing is true and correct.

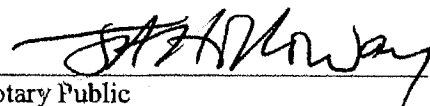
Executed this December 11, 2006:

FURTHER AFFIANT SAYETH NOT



Dr. Allan I. Levey

Subscribed and sworn before me on this 11th day of December, 2006.



Notary Public

My Commission Expires: Notary Public, DeKalb County, Georgia
Julette A. Holloway
My Commission Expires March 29th 2010